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AUTHOR Davis, Alan; Leggate, Chuck
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ABSTRACT

To assist consumers in achieving realistic and attainable rehabilitation goals, counselors must be skilled in using a negotiation approach directed at identifying win-win outcomes. Ways in which to achieve these mutually satisfactory rehabilitation plans are described in this paper. It is emphasized that successful rehabilitation outcomes depend on counselors helping consumers elaborate personal goals within the context of the negotiation standard of social exchange, an exchange standard which predominates in labor markets. Negotiation is presented as a goal-seeking strategy based on an attitude of respect in which the primary goal is to find an outcome where all participants benefit. Successful negotiation processes depend upon developing a collaborative relationship, forming collaborative agreements, and pursuing collaborative follow-through. The nature of collaborative relationships is explored, and features such as the importance of self-knowledge, the two-sided nature, the importance of collaborative agreements, and styles of negotiation are detailed. It is stressed that counselors must develop the ability to form collaborative relationships in which the participants are essentially partners in search of a solution. Win-win relationships, it is claimed, engender mutually satisfactory agreements and collaborative follow through. (Contains 18 references.) (RJM)

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NEGOTIATION: A CRITICAL COMPETENCY FOR REHABILITATION

Negotiation: A critical competency for rehabilitation counselors

Alan Davis*

Montana State University - Billings

Chuck Leggate

Montana Vocational Rehabilitation

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Abstract

To assist consumers in achieving realistic and attainable rehabilitation goals, counselors must be skilled in using a negotiation approach directed at identifying win-win outcomes. Mutually satisfactory rehabilitation plans represent what is referred to in negotiation terms as win-win solutions. Identifying win-win solutions results from forming collaborative relationships as a basis for developing agreements and eventual follow-along.

Negotiation: A critical competency for rehabilitation counselors

For nearly a century the Federal and state governments have administered a program of vocational rehabilitation services for people with disabilities (Rubin & Roessler, 1987; Szymanski, 1985). A central figure in the operation of this program is the rehabilitation counselor (Emener & Cottone, 1989). Rehabilitation counselors assume primary responsibility for developing helping relationships with consumers in which planning and sequenced transitions can lead to successful rehabilitation outcomes. Over a period of many decades, rehabilitation professionals have become increasingly sensitive to the self-determination rights of consumers, and have striven to identify strategies and methods to promote consumer empowerment (Banja, 1990; Emener, 1992).

It has long been understood that the success of rehabilitation counselors depends upon the identification and mastery of critical competencies (Wright, Leahy, & Shapson, 1987). Contemporary forces such as the competitive labor market, reduced funding of public programs, consumer choice, and informed consent, combine to make it essential that rehabilitation counselors be highly skilled in the strategies and techniques of negotiation. Counselors must help consumers achieve optimum vocational success. However, it is obvious that in an era in which high aspirations come to terms with limited resources, efforts to achieve balanced compromise are necessary. In order to plan for successful rehabilitation outcomes, counselors must help consumers elaborate their personal goals in the negotiation standard of social exchange that predominates in the labor market (Bird, Stith, &

Schaldale, 1991; Cole, 1992; Garcez, 1993; Miller, 1982; Scanzoni, & Polonko, 1980; Yeates, Schultz, & Selman, 1991; Zemke, 1980).

Negotiation

Negotiation is a goal seeking strategy based on an attitude of respect. The primary defining aspect of negotiation is the objective of finding an outcome in which all participants benefit (Bernstein, 1995; Koch, & Decker, 1993). Negotiation requires courtesy and fairness, since conflict is not conducive to a balanced outcome. Participants in negotiation acknowledge the needs and concessions of others, and use a tactful approach in pursuing outcomes. When using a negotiation approach, a person must seek mutual gains and be willing to make offers in exchange for concessions. Negotiation requires participants to trust each others statements and promises. Put simply, negotiation is based on a norm of cooperation. A major objective of negotiation is to preserve a positive climate for future negotiations.

Perceptiveness and self restraint are important qualities of successful negotiators. Successful negotiators must have realistic expectations of each other. In communication, negotiating parties must share information openly and honestly. When mistakes occur in negotiation, the parties must be forgiving and self controlled in order for the negotiation process to continue. In a negotiation approach, the counselor and consumer must seek win-win outcomes, and explore the advantages of fairness as a value guiding interpersonal exchange. A successful negotiation process depends upon developing a collaborative relationship, forming collaborative agreements, and pursuing collaborative follow-through (Reck, & Long, 1987; Spence, 1995).

Collaborative Relationships

The foundation of a collaborative relationship is honesty. Therefore, it is imperative that a collaborative relationship be established before a genuine negotiation process in pursuit of rehabilitation objectives can begin.

Self-knowledge is the indispensable reference point in negotiations. Without the perspective of self-knowledge one cannot proceed to an understanding of anyone else's needs. Prior to the beginning of any negotiation, the counselor must identify his/her needs and determine which are significant. Because honesty is the basis of collaborative agreements, it is important to distinguish between needs that stem from objective circumstances and those concerns that are purely ego-based. For example, if the rehabilitation counselor must form agreements in the context of limited case service funds, then the need to hold down costs can be expressed with credibility. On the other hand, if the counselor is motivated by a desire to emerge as the superior bargainer, then the need to hold down costs will be seen as deceptive, arbitrary, and not conducive to rehabilitation progress.

Collaborative relationships are two-sided. Just as it is necessary for the rehabilitation counselor to identify personal needs that are significant, it is also necessary to listen with understanding to the needs of the consumer. To achieve a true collaborative relationship, the consumer's needs and the counselor's needs must be seen as part of a unified larger picture. Therefore, the counselor must listen for the consumer's needs and try to interpret them in terms that are coherent and attainable. Both verbal and non-verbal expression provide insights into the consumer's state of need.

To begin a collaborative negotiation process it is important to establish that the counselor and consumer are on the same side. The negotiation process must not be seen as adversarial, but rather as a partnership with the purpose of achieving mutually desirable rehabilitation aims. The counselor can nurture a collaborative relationship by keeping the needs of the consumer foremost in consideration. This consideration can be demonstrated by a refusal to directly argue against statements the consumer makes. Little can be gained from contesting small details that can compensate for the damage such bickering inflicts upon a relationship. Rather, the counselor should look for the underlying emotional needs expressed in the consumer's message and respond to those needs, even if they are unspoken.

Collaborative Agreements

Collaborative agreements are those in which both participants feel their needs are served. To achieve a collaborative agreement is necessary for the rehabilitation counselor and consumer to carefully structure an agreement so that it can be seen as unbiased. To accomplish this the counselor must avoid extremes of toughness or amiability when negotiating particulars of the rehabilitation plan.

Counselors must be guided by an attitude of reciprocity, responding to openness and compromise in kind. At the same time it is important that counselors refrain from accepting unilateral concessions in negotiation unless they intend to reciprocate. Such gestures imply balanced exchange. Through experience, counselors can develop the ability to trust their feelings regarding whether a pattern of exchanges is leading in the right direction, and stop exchanges before they go too far.

One biased style of negotiation is the tough approach. The tough approach is focused on winning as a higher priority than mutual gains. When using the tough approach an individual will tend to offer few concessions, preferring to seek advantages. A characteristic of the tough approach is stubborn faith in the ability to prevail. An overriding consideration in negotiation is the need to preserve a climate of fair exchange. With this in mind, the temptation to take advantage of an over-generous negotiator must be resisted. Taking advantage of easy opportunities may lead to overly rigid negotiations in the future.

Another style of negotiation is the amiable approach. Some people may entertain self-doubts regarding fairness. They may feel guilty concerning their objectives, and become willing to be exploited in order to avoid conflict. The amiable approach relies on the ability to charm others and sacrifice gains in favor of winning approval. A frequently used negotiation tactic is to make a unilateral concession, to encourage the other side to reciprocate. While this approach may be generally effective at getting things moving, it can also result in a vulnerability if the other side is tough and unwilling to reciprocate. An individual who has offered given a concession may feel victimized, resulting in a reaction of rigidity and defensiveness. Individuals who favor an amiable approach tend to be ineffective as negotiators, are easily taken advantage of, and prone to feelings of victimization resulting from unbalanced negotiations. Such feelings can lead to anger and professional burnout (Emener, 1979).

An important perspective in negotiations is to avoid personalizing offers or rejections. When an offer must be turned down, one should be careful to reject the

offer not the person making the offer. Similarly, when a proposal is made, it should not appear to seek a personal concession from the other person. Rather, offers should be made and responded to in terms of the behavior and actions they specify. It is especially important to articulate proposals in terms of the behavior or actions one seeks, so that the other person has a clear understanding of what is being sought.

To complete a collaborative agreement participants must reconcile any areas of disagreement. At this point the value of a collaborative relationship is most obvious. Participants who are committed to achieving a win-win solution can help each other to articulate proposals on key points in terms that are acceptable. This can only be accomplished if each participant has a good working knowledge of the other's needs, perspective, and resources. Having committed to being partners in seeking a solution, participants can direct their creative abilities toward original solutions rather that competitive maneuvering.

Collaborative Follow-through

Many negotiations fail despite the sincere efforts of participants. One reason for this is the fact that negotiation agreements must be carefully followed with action. A negotiated settlement is a solemn agreement and must be honored by those who developed it. A most necessary point is to remain aware of obligations and timelines of the agreement, so that one can deliver specific actions at the time they are planned to occur. Careful adherence to the terms of an agreement can demonstrate sincerity and dependability, an attractive basis for future negotiations. If for any reason it is not possible to deliver an action at the time it is expected, the time to inform the other party is before rather that after the action was expected to occur.

Occasionally changes in a plan must be renegotiated. It helps to maintain the features of a collaborative relationship by being open with the other party. An important consideration is to give adequate prior notification of change so that the other party's inconvenience is minimized.

The success of collaborative agreements is enhanced by maintaining two-way communication during follow-through. The basis of a collaborative negotiation is the wish to reach mutually supportive outcomes. To preserve the collaborative relationship, parties to a negotiation must remain in contact during follow-through and determine how well the negotiation serves each others aims, not merely their own. As in prior discussions it is important for feedback to be articulated in terms that are impersonal and focused on the behaviors and actions that serve the needs of the participants.

Summary

In a time of reduced public resources and growing emphasis on the needs of consumers, rehabilitation counselors must possess sophisticated negotiation skills. The essence of negotiated settlements is the win-win outcome that serves the needs of all participants. To achieve win-win solutions rehabilitation counselors must develop the ability to form collaborative relationships in which the participants are essentially partners in search of a solution. Win-win relationships are the essential basis for development of mutually satisfactory agreements and collaborative follow-through.

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Figure 1. Steps in effective negotiation

Forming Collaborative Relationships

- what are your needs in the negotiation process?
- can you articulate all of your needs in terms that understandable?
- do you understand the other person's needs?
- can you see ways in which both sets of objectives can be mutually supportive?
- in what ways can you demonstrate to each other that you are on the same side?

Reaching Collaborative Agreements

- have you struck a balance between the extremes of toughness and amiability?
- have you articulated proposals in terms that are impersonal and behavioral?
- have you stated refusals in terms that focus on actions, not personalities?
- have you helped the other person shape proposals in terms that acceptable?
- have you worked together to resolve differences?

Collaborative Follow-through

- have you studied the actions and timelines of the agreement?
- have you followed the plan as carefully as you could?
- have you notified the other party in advance of any unexpected changes?
- have you given and received feedback on the results of the plan?